



DELTA STEWARDSHIP COUNCIL
A California State Agency

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April 3, 2014

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Patrick Johnston
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RE: City of Stockton Climate Action Plan, Draft Subsequent EIR, SCH# 2012042065

Dear Mr. Stagnaro:

Thank you for the opportunity to comment on the Draft Subsequent Environmental Impact Report (Draft Subsequent EIR) for the City of Stockton Climate Action Plan (CAP). The Council staff supports the CAP's goal of reducing the City of Stockton's greenhouse gas (GHG) emissions by increasing density and transit in developed areas so that natural lands, including agriculture, can be better preserved.

The staff of the Delta Stewardship Council (Council) has reviewed the Draft Subsequent EIR and the CAP. State law specifically directs the DSC to provide "advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan" (Water Code sec 85212). The Delta Plan, including its policies and recommendations, should be acknowledged in the EIR's description of the project's environmental setting.

Background

The proposed project is a requirement of the settlement agreement between the City of Stockton, the Sierra Club, and the California Attorney General. The proposed project includes CAP measures to reduce GHG emissions through 2020 to 10 percent below 2005 levels, a transit plan/program to promote and/or retain transit service, and a funding program for items related to the settlement agreement concerning the existing General Plan compliance with the California Environmental Quality Act (CEQA).

On December 11, 2007, Stockton approved the 2035 General Plan and other documents including a Final Environmental Impact Report (EIR) and Statement of Overriding Considerations. On January 10, 2008, the Sierra Club filed a Petition for a Writ of Mandate in San Joaquin Superior Court alleging the City had violated CEQA in its approval of the General Plan and asked the Court to issue a writ directing the City to vacate its approval of the General Plan. Then-California Attorney General Edmund G.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

Brown, Jr. also raised concerns about the adequacy of the EIR under CEQA, including the EIR's failure to incorporate enforceable measures to mitigate GHG emissions that would result from the General Plan.

The settlement agreement recognizes that development on the urban fringe of the City must be carefully balanced with infill development to be consistent with the state mandate of reducing GHG emissions, since unbalanced development will cause increased driving and motor vehicle GHG emissions. Additionally, the settlement agreement indicates that development on the urban fringe should be as revenue-neutral to the City as possible, in terms of infrastructure development and the provision of services. The proposed project includes the 2035 General Plan, which is incorporated by reference, and would result in several significant and unavoidable impacts to agricultural resources, biological resources, hydrology and water quality, land use and planning, and public services.

Comments

Based on our review of the Draft Subsequent EIR for the Stockton CAP, we recommend the following matters be discussed or included in the Final Subsequent EIR:

- **Inconsistencies with the Delta Plan.** The EIR should discuss any inconsistencies between the project and the Delta Plan, as required by 15125(d) of the CEQA Guidelines. Note, too, that the CEQA Guidelines' Appendix G states that a project that is inconsistent with any applicable land use plan, policy, or regulation may result in a finding of significant impact on biological resources.
- **Land Use.** The urban boundaries identified in the Stockton General Plan on which the CAP is based should be consistent with the Delta Plan for the areas in which the Delta Stewardship Council has jurisdiction. The boundaries, which are described in Delta Plan Policy DP P1, are intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk. In order to be consistent with Delta Plan Policy DP P1, new residential, commercial, or industrial development is permitted outside the urban boundaries only if it is consistent with the land use designated in the relevant county general plan as of the date of the Delta Plan's adoption (May 16, 2013). In the Final Subsequent EIR, please cite Delta Plan Policy DP P1, provide an analysis of potential conflict with the policy due to the urbanization of agricultural land and open space within the Delta, and describe how any conflicts with the policy could be avoided or mitigated.

Council staff has identified an area of concern within the secondary zone of the Delta. The area is outside of the City of Stockton's sphere of influence but within the planning area for the City's General Plan. It is located to the south of French Camp Road, north of Bowman Road, east of the San Joaquin River, and west of Interstate 5. This area does not include the land within the sphere of influence which includes the San Joaquin County Hospital (south of French Camp Road, north of West Mathews Road, east of South Wolfe Road, and west of Interstate 5). Council staff understands that the City submitted an application to the Local Area Formation Committee (LAFCo) for inclusion of the Southwest Stockton area in the sphere of influence in July 2008, but the LAFCO denied the request. The Stockton General Plan designates part of this area as "Village", while the San Joaquin County General Plan, and therefore the Delta Plan,

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designates it as agriculture. (For areas outside the sphere of influence of a city, the Delta Plan uses the designation in the county general plan.) Therefore, residential, commercial, or industrial development in this area would be inconsistent with the Delta Plan Policy DP P1. Council staff further notes that this area is not included among the growth areas identified by the San Joaquin Council of Government's Draft Regional Transportation Plan/Sustainable Communities Strategy.

Conclusion

The Draft Subsequent EIR states, on Pages 16-11 and 16-12, that the General Plan EIR and proposed project would result in the conversion of vacant and agricultural/open space lands to industrial, commercial, and residential land uses, which are considered significant, irreversible changes. Any conversion of agricultural/open space lands located in the Delta would need to be consistent with the above-mentioned Delta Plan policy.

The Greater Density Alternative in the Draft Subsequent EIR appears to be more consistent with the Delta Plan, because it would include an urban limit line to prevent further annexations and edge development. This alternative would have lower impacts to biological resources and farmland than the proposed project. The Greater Density Alternative is considered the Environmentally Superior Alternative, as it would have substantially lower traffic, air quality, biological resources, and farmland impacts compared to all of the alternatives. As stated on Page 15-10, the Greater Density Alternative would also result in a lower number of people and structures subject to levee failure flooding. This alternative would have far less impacts on farmland than the proposed project, because the Greater Density Alternative would lower development pressure on the City's edge, as discussed on Page 15-11.

We look forward to working with you to ensure that the Stockton CAP moves forward as quickly as possible while addressing multiples goals for the Delta. I encourage you to contact Jessica Davenport at jdavenport@deltacouncil.ca.gov or (916) 445-2168 with your questions, comments, or concerns.

Sincerely,



Cindy Messer
Deputy Executive Officer